

Speed Post

F. No. B-31011/BMW (46.55)/2019/WMD-I

January 25, 2019

To,

M/s Ramky Energy and Environment Ltd.
No. 47/B, Karnad Industrial Area,
KIADB, Mulki,
Mangalore - 574 154 (Karnataka)

MODIFIED DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986

WHEREAS the Central Government has notified the Bio-Medical Waste Management Rules, 2016 and amendments thereof (herein after referred as BMW Rules) in suppression of the Bio-Medical Waste (Management & Handling) Rules, 1998, and amendments thereof, under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound management thereby, reducing the biomedical waste generation and its impact on the environment;

WHEREAS Rule 5 of BMW Rules, 2016 stipulated duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF);

WHEREAS as per Rule 7 (1) of BMW Rules, "bio-medical waste shall be treated and disposed of in accordance with Schedule I and in compliance with the standards prescribed in Schedule II of the BMW Rules, 2016";

WHEREAS Rules 14(1) of BMW Rules, "every authorized person shall maintain records related to generation, collection, segregation, storage, transportation, treatment, disposal and or any form of handling of Bio-Medical waste in accordance with these Rules and by guidelines issued";

WHEREAS the Hon'ble National Green Tribunal, in the matter of O.A. No. 593 of 2017 (W.P.(CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.) directed CPCB that "CPCB may taken penal action for failure against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the CPCB within three months";

WHEREAS in pursuant to Hon'ble National Green Tribunal, in the matter of O.A.No. 593 of 2017, CPCB has prepared the "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) operated by M/s Ramky Energy and Environment Ltd. has to comply with the condition stipulated in authorization granted by the Karnataka State Pollution Control Board (KSPCB) for generation, collection, reception, storage, transportation, treatment and disposal of BMW as per the authorization granted under Rule 10 of the BMW Rules;

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Ramky Energy and Environment Ltd. (the Unit) was inspected by a team comprising officials of Central Pollution Control Board (CPCB) & Kerala State Pollution Control Board (KSPCB) on 13.08.2015 whereby violation of provisions of the BMW Rules were observed and accordingly Show Cause Directions under Section 5 of the Environment (Protection) Act, 1986 was issued vide letter No. B-31011 (BMW)/30/93/HWMD/6574-77 dated 06.11.2013 directing the Unit to submit a time bound action plan within 15 days of time period with corrective actions against each observation of show cause direction and shall submit a Bank Guarantee (BG) of ₹ 10.00 Lakhs for ensuring compliance of said direction.

In conti....

WHEREAS the Unit vide its letter dated 16.12.2013 has submitted its compliance status report and action taken w.r.to CPCB direction but Unit did not submitted the Bank Guarantee. The Unit was re-inspected jointly by the CPCB and KSPCB on 27.02.2015 to verify the compliance status of CPCB directions, wherein it was observed that the Unit was yet to comply with following action point: (i) To procure flue gas analyzer and (ii) To comply with particular matter emission at Stack. The said observation were forwarded to KSPCB vide CPCB letters dated 05.05.2015;

WHEREAS based on the reply submitted by the Unit vide letter dated 18.06.2015, the Unit was again inspected jointly by CPCB & KSPCB on 02.05.2016 and 06.10.2016 for verification of claims made by the Unit and it was observed that the Unit is not complying with all the CPCB directions and accordingly Directions under Section 5 of the Environment (Protection) Act, 1986 were issued vide letter No. B-31011 (BMW)(46.55)/2016/HWMD/23504 dated 20.02.2017 to take necessary corrective measures and shall ensure complete compliance by 30.04.2017;

WHEREAS Unit submitted its reply vide letter dated 10.05.2017 indicating point wise action taken report w.r.to CPCB direction. The said reply was forwarded to KSPCB for verification and to submit the compliance verification report;

WHEREAS since no reply has been received from KSPCB, CPCB reinspected the Unit on 24.10.2018 and observed that the facility is not complying to following provisions of BMW Rules, 2016;

- a. Unit is disposing sharp waste in incinerator which is not allowed as per BMW Rules.
- b. Incinerator stack emission monitoring platform is not as per CPCB guideline.
- c. Data of OCEMS installed with the incinerator is not transmitted to CPCB server.
- d. As per stack emission monitoring results, PM is exceeding from prescribed standard of 50 mg/NM3.
- e. The ETP effluent analysis report is exceeding the standards as prescribed under BMW Rules, 2016.
- f. Unit is not conducting stack emission monitoring once in three months through laboratory approved under E (P) Act, 1986 as required under BMW Rules, 2016.

WHEREAS based on the methodology prepared by CPCB for Assessing Environmental Compensation and Action Plan to utilize the fund, the Environmental Compensation is calculated as ₹ 9,375/- per day of non-compliance with effect from date of inspection;

WHEREAS the Central Government vide notification S.O. 730 (E) dated 10.07.2002 has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB), to issue directions to any industry or any local, or any other authority for any violation of the standards and rules relating to BMW notified under the Environment (Protection) Act, 1986 and amendments made thereof;

Now therefore, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the is hereby directed to

- i) Take corrective measure w.r.t. aforesaid action points mentioned at s.no.(a) to (f) so as to comply with provisions of BMW Rules 2016 within a period of two months and the time bound action plan to be submitted within 15 days i.e. by 15/02/2019.
- ii) Deposit ₹ 7, 87,500/- as Environmental Compensation immediately in favor of CPCB for not complying with the provisions of BMW Rules, 2016 as well as CPCB guideline for 84 days i.e. from last inspection dated 24.10. 2018 to till date i.e. 16.01.2019; thereafter you shall pay ₹ 9,375/- per day of EC till compliance w.r.to provisions of BMW Rules, 2016 including compliance to the standards prescribed under BMW Rules, 2016; and
- iii) Deposit ₹ 7, 87,500/- per day of EC in CPCB Account NO. 532702010009078 IFSC code UBIN0553271, I.P. Extension Branch.

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In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s Ramky Energy and Environment Ltd., Karnad Industrial Area, KIADB, Mulki, Mangalore, Karnataka as deemed fit under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

Copy to.:

1. Joint Secretary, HSM Division
Ministry of Environment, Forest & Climate
Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
2. The Member Secretary
Karnataka State Pollution Control Board,
Parisara Bhavana, 1st to 5th Floor
49, Church Street,
Bengaluru - 560 001, Karnataka. : For kind information
3. Regional Directorate
Central Pollution Control Board
1st & 2nd Floors, Nisarga Bhavan
A-Block, Thimmaiah Main Road
7th D Cross, Shivanagar, Opp.
Pushpanjali Theatre, Bengaluru -560 010 : For kind information
4. I/c IT Division : For information and necessary action
5. I/c ESS Division : For information and record
6. I/c Accounts Division : For information & for further necessary
action

(Prashant Gargava)
Member Secretary